

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**MICHAEL COCO, BRETT DOMMERT,
JAMES McCONNELL, JORDAN NELSON,
BLAINE SOILEAU, TERRY BASS,
BRENNAN BROWN, JOHN CAREY,
RAYMOND FRANCIS, DONNIE TELLIS,
and ROBERT TYSON**

CIVIL ACTION NO.

JUDGE

VERSUS

MAGISTRATE JUDGE

**FLOWERS FOODS, INC. and FLOWERS
BAKING COMPANY OF BATON ROUGE, LLC**

OPPOSED MOTION TO STAY

NOW COME, each of the individual plaintiffs in this matter, who move to stay this matter pending final disposition of the previously filed and pending matter, “Antoine Richard, Et Al v. Flowers Foods, Inc., Et Al”, filed in the United States District Court, Western District of Louisiana, Lafayette Division, Civil Action Number 6:15cv2557 (the “Collective Action”), respectfully showing:

1.

Each of the individual plaintiffs was an opt-in member of the Collective Action which interrupted the tolling of the statute of limitations for their individual claim.

2.

On April 9, 2021, the Court in the Collective Action issued a Memorandum Order (Rec. Doc. 423) indicating that it would decertify the collective and dismiss each of these individual plaintiffs without prejudice.

3.

The issuance of such an order dismissing these individual plaintiffs without prejudice will recommence the tolling of the statute of limitations on each individual plaintiff.

4.

As of today, the order dismissing each individual plaintiff has not issued.

5.

The April 9, 2021 Order also indicated that it would certify the judgment dismissing the individual plaintiffs for interlocutory appeal pursuant to 28 U.S.C. 1292(b).

6.

In the interest of judicial economy, this matter should be stayed during the pendency of the appeal in matter number 6:15cv2557.

7.

Counsel for the defendants will be consulted to indicate whether they will oppose/not oppose this motion and this Court will be so advised before this motion is set for hearing.

WHEREFORE, the premises considered of each individual plaintiff prays that this claim in this matter be stayed pending the outcome of the appeal in the Collective Action, matter number 6:15cv2557.

Dated: October 11, 2021

Respectfully submitted,

/s/ Steven G. Durio

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ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of plaintiffs' **Opposed Motion To Stay** was electronically filed with the Clerk of the Court using the CM/ECF system, the defendants will be served with a copy of this motion along with the summons.

Lafayette, Louisiana, this 11th day of October, 2021.

/s/ Steven G. Durio
STEVEN G. DURIO